



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,704	01/15/2004	Fang Yang	17646-111001 / 20000243	8440

5073 7590 01/18/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,704

Applicant(s)

YANG ET AL

Examiner

Ashok B. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2,7,10,15,18 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9,11-14,16,17,19-22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are subject to examination. Claims 2, 7, 10, 15, 18 and 23 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/2005 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3- 6, 9, 11-14, 17, 19-22 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2154

5. Claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Faulkner et al. (hereinafter Faulkner) (US 2003/0208480 A1)

Referring to claim 1,

Faulkner teaches a method for monitoring hardware information associated with a plurality of distinct network devices (para.[0017]) in an enterprise system (para.[0004]) comprising:

- invoking a flexible configuration file, the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type (para.[0003], [0017], "A large number of networkable devices conform to Simple Network Management Protocol (SNMP). Each of these devices has a management information base (MIB) that may contain several thousand entries or object identifications (OID)." [0018], "The data preparation system has a set of mechanisms to prepare a data file that isolates and surfaces the pertinent OIDs for a specified network-attached device, optionally adds supplemental data, and performs unit conversions. The network monitoring system displays the results from the data preparation system in a user-interface, in which typical SNMP-based monitoring activities can be performed by the user.");

remotely retrieving real-time hardware information associated with the first network device based on the first location directive, the hardware information including information on one or more hardware characteristics (para. [0017], [0018], [0023]); and dynamically presenting the real-time information through a display. (Fig.6, para.[0023],[0024])

Referring to claim 3,

Faulkner teaches the method of claim 1, the hardware information comprising chassis component information. (para.[0003], [0017], [0018])

Referring to claim 5,

Faulkner teaches the method of claim 1, further comprising selecting a second location directive of the flexible configuration file to retrieve hardware information associated with a second of the network devices. (para.[0018])

Referring to claim 6,

Faulkner teaches the method of claim 1, further comprising:

polling the particular network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic; receiving updated hardware information associated with the network device at each associated polling interval; and dynamically displaying the updated hardware information. (para.[0024])

Referring to claim 8,

Faulkner teaches the method of claim 1, the interactive display comprising a first and a second window, the first window comprising a hierarchical tree structure of hardware

Art Unit: 2154

characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure. (Fig. 6).

Referring to claim 9,

Claim 9 is a claim to a software for monitoring hardware information associated with a network element in accordance with the method of claim 1. Therefore, claim 9 is rejected for the reasons set forth for claim 1.

Referring to claim 11,

Claim 11 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 3. Therefore, claim 11 is rejected for the reasons set forth for claim 3.

Referring to claim 13,

Claim 13 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 5. Therefore, claim 13 is rejected for the reasons set forth for claim 5.

Referring to claim 14,

Claim 14 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 6. Therefore, claim 14 is rejected for the reasons set forth for claim 6.

Referring to claim 16,

Art Unit: 2154

Claim 16 is a claim to software for monitoring hardware information associated with a network element in accordance with the method of claim 8. Therefore, claim 16 is rejected for the reasons set forth for claim 8.

Referring to claim 17,

Claim 17 is a claim to a system for monitoring information associated with a network element in accordance with the method of claim 1. Therefore, claim 17 is rejected for the reasons set forth for claim 1.

Referring to claim 19,

Claim 19 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 3. Therefore, claim 19 is rejected for the reasons set forth for claim 3.

Referring to claim 21,

Claim 21 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 5. Therefore, claim 21 is rejected for the reasons set forth for claim 5.

Referring to claim 22,

Claim 22 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 6. Therefore, claim 22 is rejected for the reasons set forth for claim 6.

Referring to claim 24,

Art Unit: 2154

Claim 24 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 8. Therefore, claim 24 is rejected for the reasons set forth for claim 8.

Referring to claim 25,

Faulkner teaches a method for monitoring hardware information associated with a plurality of distinct network device in an enterprise system (para.[0017], [0004]) comprising:

invoking a flexible configuration file, the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type(para.[0003], [0017], "A large number of networkable devices conform to Simple Network Management Protocol (SNMP). Each of these devices has a management information base (MIB) that may contain several thousand entries or object identifications (OID).“ [0018],” The data preparation system has a set of mechanisms to prepare a data file that isolates and surfaces the pertinent OIDs for a specified network-attached device, optionally adds supplemental data, and performs unit conversions. The network monitoring system displays the results from the data preparation system in a user-interface, in which typical SNMP-based monitoring activities can be performed by the user.”);

remotely retrieving real-time hardware information associated with the first network device based on the first location directive, the hardware information including

Art Unit: 2154

information on one or more hardware characteristics; remotely retrieving real-time hardware information associated with the second network device based on the second location directive, the hardware information including information on one or more hardware characteristics (para. [0017], [0018], [0023]);

dynamically displaying the information through an interactive display (Fig.6, para.[0023],[0024])

polling the first network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic retrieved (para.[0024]); receiving updated hardware information associated with the network device at each associated polling interval (para.[0024]); and

dynamically displaying the updated hardware information (Fig.6, para.[0023],[0024]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al.(hereinafter Faulkner) (US 2003/0208480 A1) in view of Fung (US 2003/0200473 A1)

Referring to claim 4,

Keeping in mind the teachings of Faulkner as stated above, although Faulkner teaches a few of these OIDs relate to environmental and physical conditions such as temperature, power quality, and fan speed (fan status) ([para.0019]), power supply status and module card status (Fig. 6) specifically fails to explicitly teach memory usage and Central Processing Unit (CPU) usage.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore, it would have been obvious for one having an ordinary skill in the art at the time the invention was made to include all these parameters be monitored for each of the devices by configuring the DDF as suggested by Faulkner.

It would have been obvious because Faulkner gives the DDF build up technology for each of the desired devices on the network to be monitored while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB.

Referring to claim 12,

Claim 12 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 4. Therefore, claim 12 is rejected for the reasons set forth for claim 4.

Referring to claim 20,

Claim 20 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 4. Therefore, claim 20 is rejected for the reasons set forth for claim 4.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100